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Memorandum for Holders
USIB-D-39.5/19
28 September 1967

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR HOLDERS OF USIB-D-39.5/19

SUBJECT : USIB Policy on Release of Intelligence to
Contractors

REFERENCES : a. USIB-D-39.5/19, 26 August 1963 and
Revised 7 August 1965
b. USIB-M-486, 21 September 1967, Item 4

1. At its 21 September 1967 meeting, the United States Intelligence Board (USIB) approved a recommendation that the policy applicable to NIEs and SNIEs in paragraph 2. a. of the attachment to reference a. be extended to include the National Intelligence Projections for Planning (NIPPs).

2. Accordingly the attached revision of "USIB Policy on Release of Intelligence to Contractors" (which supersedes that contained in USIB-D-39.5/19, dated 26 August 1963, as revised 7 August 1965) is circulated for information and appropriate implementation by USIB member agencies.

JAMES S. LAY, JR.
Executive Secretary

Attachment

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GROUP 1
Excluded from automatic
downgrading and
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USIB Policy on Release
of Intelligence to Contractors^{1/}

1. In order that the member agencies may more effectively discharge their responsibilities, and without intent to limit such broader authority or responsibility as any may now have under law, NSC directive, or special agreements among them, the United States Intelligence Board is agreed that selected intelligence^{2/} may be made available by recipient USIB members or their designated subordinates to certain contractors without referral to the originating agency, provided that:

^{1/} General policy is set forth in DCID No. 1/7: Controls for Dissemination and Use of Intelligence and Intelligence Information (New Series), approved 2 February 1967; see especially para. 6. a. (2).

^{2/} This directive deals solely with intelligence, which for purposes of this directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, Naval Intelligence Command, ACSI/Air Force, the AEC and the military commands. This specifically excludes Foreign Service reporting and communications intelligence. Permission to release Foreign Service reporting must be obtained from the Department of State, and permission to release communications intelligence must be obtained from its originator. Communications intelligence is covered specifically by para. 3 of this directive, in that it bears one or more codewords or special instructions which dictate handling in special dissemination channels.

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- a. Release ^{3/} shall be limited to private individuals (including consultants) or organizations certified by the sponsoring member of the United States Intelligence Board as being under contract to the United States Government for the purpose of performing classified services in support of the mission of a member agency ^{4/}, his department or service, as having a need-to-know, and as possessing the required security clearances.
- b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the sponsoring member of the USIB (i.e., the Chief of the USIB intelligence component seeking release on his own behalf or on behalf of a component within his department or service) or his designee.
- c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.

3/ Release is the visual, oral or physical disclosure of classified intelligence material.

4/ Non-USIB Government components under contract to fulfill an intelligence support role, may be treated as members of the Intelligence Community rather than as contractors (NSCID No. 1 (New Series) footnote 2; USIB-D-39.5/12, para. 8.d.; USIB-M-201, para. 5). When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further the intelligence material made available to them.

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- d. Intelligence material released to a contractor does not become the property of the contractor and can be withdrawn from him at any time. Upon expiration of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.
- e. Contractors receiving intelligence material will not release the material (a) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (b) to another contractor (including a sub-contractor), government agency, private individual or organization without the consent of the releasing agency (which shall verify that the second contractor has a need-to-know and meets security requirements).
- f. Intelligence material will not be released to foreign nationals whether or not they are also consultants, U.S. contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency.
- g. Contractors shall be required to maintain such records as will permit them to furnish on demand, the names of individuals who have had access to intelligence materials in their custody.
- h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made.

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2. The following intelligence materials shall not be released to contractors:

- a. National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), and National Intelligence Projections for Planning (NIPPs) are not releasable and hence shall bear the Controlled Dissem stamp. However, information contained therein may be made available, without identification as national intelligence, over the by-line of the USIB member authorizing its release.
- b. National Intelligence Survey (NIS) Section 56: Intelligence and Security, is not releasable and hence shall bear the Controlled Dissem stamp.

3. The following intelligence materials shall not be released to contractors unless special permission has been obtained in writing from the originator:

Materials which by reason of sensitivity of content bear special markings, such as Controlled Dissem, contained in DCID 1/7 (New Series) 2 Feb 67, or warnings which prohibit dissemination to contractors, or which are marked for handling in special dissemination channels.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the USIB Committee on Documentation.